

PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an ML-IM zone to an MH-IM zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Street or Box
City and State
Attorney for Petitioner:
Theodore J. Potthast, Jr. Esq.
Michael P. Tanczyn
Signature
501 York Road
Street or Box
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 296-8822
Telephone No.

Legal Owner(s):
Louis Di Pasquale
(Type or Print Name)
Signature
Mary Di Pasquale
(Type or Print Name)
Signature
Street or Box
City and State
Name and telephone number of legal owner, contract purchaser or representative to be contacted
Name
Telephone No.

STATEMENT TO ACCOMPANY PETITION FOR RECLASSIFICATION.

Petitioner requests Reclassification for the following reasons:

- 1) Mistake in the original zoning of this property.
- 2) Substantial change in the character of the neighborhood community.
- 3) Confiscatory taking of property without compensation violating Constitutional rights of the owners to just compensation caused by relegating this property to improper unusable zoning.

This property with 313' frontage on eastbound Rte. 40 Pulaski Highway in Baltimore County, Northeast of the Beltway in the 15th Election District is a multi-sided 47.9 acre parcel. The improved portion borders Pulaski Highway and consists of vintage rental cottages for highway travelers. The remainder of the property is unimproved and has uneven topography.

The zoning history for this property from the first zoning indicates Industrial ML and Residential zoning in 1945. In 1966 the property was zoned 15-ML II; and ML-IM in 1971 and 1976. This property is coupled with rear west and southwest adjacent parcels to form an IM District. To the Northwest the Campbell quarry property is zoned MH-IM which the Petitioners seek for their land.

Evidence of mistake in the ML-IM zoning is presented from the approved reclassification of several hereby properties. In case 77-243X Marion Warren successfully petitioned for BR zoning with special exception for a used car lot for her property located on the Southwest corner of Pulaski Highway at Mohr's Lane next to the Petitioners' property.

On June 8, 1977, her Petition was granted approval and the Public Works Department, by letter dated May 9, 1977

noted Mohr's Lane was scheduled for eventual improvement as a feeder road 42' on a 60' right of way.

In case 78-176 RXA, the American Tank and Equipment Company petitioned that its property located on the northeast side of Mohr's Lane 354' Northwest of Pulaski Highway zoned ML-CSI and ML-IM be rezoned MH with a Special Exception for a junk yard. Petitioner adduced proof and approval was granted March 15, 1978.

The mistake in original zoning arises from lumping large parcels in the area into ML-IM on MH-IM zones with insufficient consideration given to substantial residential developments in White Marsh and the substantial surplusage of ML-IM land in this 15th District. The Pulaski Industrial Park zoned ML a few miles South has for many years stood partially undeveloped and has only within the past ten months begun shell construction for part of its unutilized ML land.

The construction of I-95 reduced the thru traffic flow on Rte. 40 which ostensibly was a consideration of the County Council in its map deliberations.

The County Councils past did not apprehend the area development which has occurred; the dearth of affordable housing in the area, and the continuation and regeneration of the businesses along Rte. 40, particularly the development of the State Air-freight capability at Martin's Airport. The development will bring both skilled and unskilled workers to the area who will require housing, and prefer mobile trailer housing proposed.

The character of the neighborhood has continued to change with additional businesses to support a first-class mobile trailer park locating along Rte 40. The need for affordable housing fulfilled by a mobile home park is evident from the dearth of availability in existing parks which largely fall below current mobile home park standards.

The Petitioners land will likely stand unused due to the overabundance of existing ML land to the South and logically would more appropriately zoned MH-IM with special exception for a mobile home trailer park.

STATEMENT TO ACCOMPANY PETITION FOR RECLASSIFICATION

Petitioner requests Reclassification for the following reasons:

- 1) Mistake in the original zoning of this property.
- 2) Substantial change in the character of the neighborhood community.
- 3) Confiscatory taking of property without compensation violating Constitutional rights of the owners to just compensation caused by relegating this property to improper unusable zoning.

This property with 313' frontage on eastbound Rte. 40 Pulaski Highway in Baltimore County, Northeast of the Beltway in the 15th Election District is a multi-sided 47.9 acre parcel. The improved portion located on Pulaski Highway consists of vintage rental cottage complex for highway travelers. To the rear of this complex is a large building used for a bar and meeting room. Along Mohr's Lane on the north side there is an occupied resident on the Petitioner's property and further east beyond the end of Mohr's Lane there is a group of structures used as residences west of the Susquehanna Transmission Lines. The topography is uneven and presents a double ridge line with valley west of the Transmission Lines on the Petitioner's property.

The zoning history for this property from the initiation of the zoning district process indicates that in 1954 on the east district map for 15th Election District, Section B, the property of the Petitioner north of Mohr's Lane was zoned R-6 and BL for the portion south of Mohr's Lane. In 1966 the Petitioner's property was zoned MLR throughout.

In 1970 the Petitioners in Case 71-121R petitioned for reclassification from MLR to ML which was granted by Order of the Commissioner October 21, 1970. The reason asserted in

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from M.L.-I.M. to M.H.-I.M.
SE/S Pulaski Hwy. 850' NE Mohr's Lane,
15th District : OF BALTIMORE COUNTY

LOUIS J. DIPASQUALE, et ux,
Petitioners : Case No. R-80-72

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of October, 1979, a copy of the foregoing Order was mailed to Theodore J. Potthast, Jr., Esquire, and Michael P. Tanczyn, Esquire, 501 York Road, Baltimore, Maryland 21204, Attorneys for Petitioners.

John W. Hession, III

RE: PETITION FOR RECLASSIFICATION : BEFORE
from ML-IM to MH-IM
SE/S Pulaski Highway, 850' NE of : COUNTY BOARD OF APPEALS
Mohr's Lane : OF
15th District : BALTIMORE COUNTY

Louis J. and Mary DiPasquale,
Petitioners : No. R-80-72

OPINION

This case comes before this Board on petition from Louis J. DiPasquale, et ux, requesting a change from ML-IM zoning to MH-IM zoning on 49.5 acres of property owned by Petitioner, said property being located on the southeast side of Pulaski Highway, 850' northeast of Mohr's Lane in the 15th Election District of Baltimore County. The property has frontage on both Pulaski Highway and Mohr's Lane and is improved with several residential properties. Surrounding properties along Pulaski Highway are generally zoned BR and ML and are improved with commercial uses.

Evidence before the Board indicates that the original petition sought the MH-IM zoning with a request for a Special Exception for a trailer park. Since Petitioner did not comply with all provisions of Bill 46-79, the request for the Special Exception was withdrawn and Petitioner proceeded only on the requested zoning change on an open plat and thus this is the only issue before the Board.

In an accompanying statement with this petition, Petitioner's attorney presents many reasons for granting the requested change. The Board is, however, constrained to consider only one reason valid for granting a zoning change, i.e., error in the zoning maps. A study of the zoning maps shows this parcel to be completely within a large area of ML-IM and business zoning lying all along Pulaski Highway. The only MH zoning showing on the map is there to justify already existing MH uses and is in very limited quantity. It should also be noted that this property was not an issue in the 1976 zoning map process. It should also be noted that the MH zoning designation encompasses the most heavy or industrial uses and as such should be confined so as to have the least impact on surrounding areas. While the once considered trailer park use may not have this undesirable

Louis J. and Mary DiPasquale
Case No. R-80-72

impact on these surrounding areas, the MH zoning necessary for this use could well open the door for other less desirable uses. The Board would view the granting of MH zoning to this one more or less isolated parcel in this large area of ML zoning as "spot" zoning of the most obvious nature. The Board notes the many, many uses accorded ML zoning as of right and can find no reason to grant the requested change. The Board is of the opinion that the present zoning accorded this parcel is not in error on the maps and will deny the requested petition.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 21st day of February, 1980, by the County Board of Appeals, ORDERED that the petitioned zoning change from ML-IM to MH-IM be DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William I. Hackett, Acting Chairman

Patricia Millhauser

LeRoy B. Spurrier

RECEIVED
BALTIMORE COUNTY
SEP 27 9 23 AM '79
COUNTY BOARD
OF APPEALS
BY

that Petition was that the then current zoning failed to take into consideration that the subject site was limited to ML development potential and that MLR zoning had been a deterrent in developing the subject site. It is interesting to note that within the file a letter from the Head of the Planning Board approved the use change noting that the ML zone would provide a fair selection of use potentials without the specter of clap trap roadside commercial development.

Evidence of mistake in the ML-IM zoning is presented from the approved reclassification of several nearby properties. In case 77-243X Marion Warren successfully petitioned for BR zoning with special exception for a used car lot for her property located on the Southwest corner of Pulaski Highway at Mohrs Lane directly across Pulaski Highway and due south from the Petitioner's property.

On June 8, 1977, her Petition was granted approval and the Public Works Department, by letter dated May 9, 1977 noted Mohrs Lane was scheduled for eventual improvement as a feeder road 42' on a 60' right of way.

In case 78-176 RXA, the American Tank and Equipment Company petitioned that its property located on the northeast side of Mohrs Lane 354' Northwest of Pulaski Highway zoned ML-CSI and ML-IM be rezoned MH with a Special Exception for a junk yard. Petitioner adduced proof and approval was granted March 15, 1978. That property lies directly across Pulaski Highway across from the Petitioner's site and was surrounded by ML zoning.

The mistake in original zoning arises from lumping large parcels in the area into ML-IM on MH-IM zones with insufficient consideration given to substantial residential developments in White Marsh and the substantial surplusage of ML-IM land in this 15th District. The Pulaski Industrial Park zoned ML a few miles

South has for many years stood partially undeveloped and has only within the past ten months begun shell construction for part of its unutilized ML land.

The construction of I-95 completed in 1962 for a time reduced the thru traffic flow on Rte. 40 which ostensibly was a consideration of the County Council in its map deliberations. The most recent traffic count available indicates a substantial increase of traffic in the White Marsh sector of Rte. 40 in that in 1976 traffic count for Rte. 40 northbound below Rte. 152 daily averaged 21,600 while at White Marsh on Rte. 40 northbound averaged 22,250 trips per day. In 1977 the count for Rte. 40 northbound below Rte. 152 averaged 22,700 while White Marsh averaged 26,600. The above figures were derived from the Traffic Volume Map prepared by the State Roads Commission for each period indicated. The Baltimore County traffic engineering figures for Rte. 40 at Rossville Boulevard show that southbound 24,500 averaged daily trips were made while northbound at Rte. 40 they equal 26,000 trips per day for 1978.

The County Councils past until recently did not apprehend the area development which has occurred; the dearth of affordable housing in the area, and the continuation and regeneration of the businesses along Rte. 40, including the development of the State Air-freight capability at Martin's Airport. The development will bring both skilled and unskilled workers to the area who will require housing, and prefer mobile trailer housing. The County Council for its most recently approved growth management plan has recognized the sector in the White Marsh area as a residential growth zone for the foreseeable future. It is interesting to note the proximity of residential zoning to the east of this property west of Bird River Road and northwest of Reames Road east of the Susquehanna Transmission Lines to the northeast of the Petitioner's property.

The Campbell's Quarry property which lies due west of the Pulaski Highway represents the southern boundary of a large MH-IM district. The existence of roadside business uses and ML roadside uses will provide an appropriate buffer from road traffic for the grant of MH-IM to the Petitioner's property.

The Petitioner's land will most likely stand unused due to the overabundance of existing ML lands and the inventory to the south and logically would more appropriately be zoned MH-IM for the reasons stated herein.

Respectfully submitted,

Michael P. Tanczyn
Michael P. Tanczyn
Theodore J. Potthast, Jr.
Attorneys for Petitioners

I HEREBY CERTIFY that a copy of the foregoing was hand-delivered to Peter M. Zimmerman, Esq., 110 W. 39th Street, Baltimore, Maryland 21210, Deputy People's Council.

Michael P. Tanczyn
Michael P. Tanczyn

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MANELLI & TANCZYN
5013 YORK RD
TOWSON, MD 21204
296-8822

- 2 -

MANELLI & TANCZYN
5013 YORK RD
TOWSON, MD 21204
296-8822

- 3 -

MANELLI & TANCZYN
5013 YORK RD
TOWSON, MD 21204
296-8822

- 4 -

Theodore J. Potthast, Jr., Esquire
501 York Road
Towson, Maryland 21204

cc: E. F. Raphael & Assoc.
201 Courtland Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 16th day of May 1979.

Eric Di Nenna

ERIC DI NENNA
Zoning Commissioner

Petitioner Di Pasquale
Petitioner's Attorney Potthast

Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

May 11, 1979

ooo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Theodore J. Potthast, Jr., Esquire
501 York Road
Towson, Maryland 21204

RE: Item No. 10 - Cycle V
Petitioner - Di Pasquale
Reclassification Petition

Dear Mr. Potthast:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the southeast side of Pulaski Highway approximately 850 ft. northeast of Mohrs Lane in the 15th Election District, the subject of this petition is a 47.935 acre tract of land having frontage on both Pulaski Highway and the north side of Mohrs Lane and is improved with a few dwellings. Surrounding properties along Pulaski Highway are zoned B.R. and improved with commercial uses to the southwest, while residences exist to the north and south along Mohrs Lane.

As indicated in our previous telephone conversations, some of the comments from this Committee were submitted prior to the deletion of your Special Exception request for a trailer park. With the submission of revised site plans, indicating only the outline and proposed zoning of the property in question, this petition will be advertised as a Reclassification.

Because the proposed use of the subject property was not indicated on these revised plans, it is impossible for this Committee to make detailed comments concerning this petition. If said petition is granted, it should be emphasized that all applicable Baltimore

Item No. 10 - Di Pasquale
Page Two
May 11, 1979

County requirements must be satisfied. In keeping with this and prior to application for the necessary building permits, your surveyor should submit a preliminary plan of the proposed development to be reviewed by this Committee.

This petition for Reclassification will be accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be between September 1 and December 31, 1979, will be forwarded to you well in advance.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

cc: E. F. Raphael & Assoc.
201 Courtland Avenue
Towson, Maryland 21204

baltimore county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

May 2, 1979

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #10 (Cycle V-April - October 1979)
Property Owner: Louis J. & Mary Di Pasquale
S/E Pulaski Hwy. 850' N/E Mohr's Lane
Existing Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M. with a special exception
for a mobile trailer park
Acres: 47.935 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments were supplied for this property in conjunction with the Zoning Advisory Committee review for Item 331 (1969-1970), 71-121-R.

Highways:

Pulaski Highway (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Mohr's Lane, an existing public road, is proposed to be improved in the future as a 42-foot closed section roadway on a 60-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application or development of this property.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Sediment Control: (Cont'd)

Drainage studies, storm water management drawings and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There are public 12-inch water mains in Mohr's Lane and Pulaski Highway. Public 8-inch sanitary sewerage traverses the northwesterly portion of this property and the Maple Crest-Whitemarsh Pumping Station sanitary interceptor sewer traverses the easternmost corner of this property.

Very truly yours,

Ellsworth N. Diver, P.E.
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Tremmer
D. Grise
S. Bellestri
J. Wimbley

M-SE Key Sheet
23 & 24 NE 33 & 34 Pos. Sheets
NE 6 I Topo
82 Tax Map

Maryland Department of Transportation

State Highway Administration

James J. O'Donnell
Secretary
M. S. Caltrider
Administrator

April 27, 1979

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
County Office Bldg.
Towson, Maryland 21204

Re: Zoning Cycle V, April, 1979

Item #10. Property Owner: Louis J. Mary Di Pasquale
Location: SE/S Pulaski Hwy. (Rte. 40)
850' NE Mohr's La.
Existing Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M. with a Special Exception for a mobile trailer park
Acres: 47.935
District: 15th

Dear Mr. Reiter:

Although the plan indicates no direct access to Pulaski Hwy. from the proposed mobile home park, an inspection revealed an existing entrance into the dwelling on Pulaski Hwy. The dwelling is indicated, however the entrance is not. The topography is such that it could encourage some residents to use this entrance rather than the circuitous route by way of Mohr's Lane.

We have no objection to access at this location, however this would involve a considerable amount of highway improvements. An alternative would be to provide a physical barrier between the mobile home sites and Pulaski Hwy.

The matter should be resolved and the plan revised prior to the hearing.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL: jm:gf

My telephone number is 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494 3211

LESLIE H. GRAEF
DIRECTOR

May 29, 1979

Mr. Walter A. Reiter, Jr., Chairman
Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #10, Zoning Cycle V, April 1979, are as follows:

Property Owner: Louis J. Mary DiPasquale
Location: SE/S Pulaski Highway 850' NE Mohr's Lane
Existing Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M. with a Special Exception for a mobile trailer park
Acres: 47.935
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

If the petition is granted a detailed site plan must be submitted to this office before any building permit applications will be approved.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Nicholas E. Commodari
TO: Zoning Advisory Committee Date: May 4, 1979
James D. Lucas, Jr., Director
FROM: Industrial Development Commission
SUBJECT: Property Owner: Louis J. & Mary Di Pasquale
Location: SE/S Pulaski Hwy. 850' NE Mohr's La.
Existing Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M. with a Special Exception for a mobile trailer park

In recognition of Baltimore County's desire to foster a healthy economic growth, we request the Zoning Officer to evaluate the above request in the best interest of industrial expansion.

James D. Lucas, Jr.
JAMES D. LUCAS, JR.

JDL:mg

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494 3000

JOHN D. SEVIER
DIRECTOR

April 24, 1979

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 10 Zoning Advisory Committee Meeting, CYCLE V are as follows:

Property Owner: Louis J. Mary DiPasquale
Location: SE/S Pulaski Highway 850' NE Mohr's Lane
Existing Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M. with a Special Exception for a mobile trailer park

Acres: 47.935
District: 15th

The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- X C. Additional Patios and miscellaneous permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- I. No Comment.
- X J. Comments: Owner shall have his Architect of Professional Engineer, who is registered in Maryland, review drawings for compliance Section 425.0 of the B.O.C.A. Code as indicated in Item "A" above, especially Sections 425.33 and 425.35. The basic design seems to be within code parameters.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rtj

baltimore county
the department of
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

May 22, 1979

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Louis J. & Mary Di Pasquale

Location: SE/S Pulaski Hwy. 850' NE Mohr's La.

Item No. 10 Zoning Agenda Cycle V

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ exceeds the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Reviewed by: *John J. Kelly*
Planning Group
Special Inspection Division

Noted and
Approved: *George M. Wagoner*
Fire Prevention Bureau

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND - 21204

Date: April 30, 1979

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: Cycle V

RE: Item No: 10
Property Owner: Louis J. Mary Di Pasquale
Location: SE/S Pulaski Hwy. 850' NE Mohr's Lane
Present Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M. with a Special Exception for a mobile Trailer Park

District: 15th
No. Acres: 47.935

Dear Mr. DiNenna:

No effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

WNP/bp

JOSEPH H. MCGOWAN, PRESIDENT
T. BARBAR WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BOTSBARIS

THOMAS H. BOTER
MRS. LORRAINE T. CHURCH
ROGER B. HAYDEN

ROBERT T. EUGEL, ALTERNATE

ALVIN LORECK
MRS. HILTON R. SMITH, JR.
RICHARD W. TRACEY, D.V.M.

baltimore county
department of health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

May 14, 1979

Mr. Walter Reiter, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #10, Zoning Advisory Committee Meeting for Cycle V, are as follows:

Property Owner: Louis J. & Mary DiPasquale
Location: SE/S Pulaski Hwy. 850' NE Mohr's La.
Existing Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M. with a Special Exception for a mobile trailer park
Acres: 47.935
District: 15th

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments. Metropolitan water and sewer are available.

The proposed mobile home trailer park must comply with all Maryland State Department of Health and Mental Hygiene regulations 10.03.23 (Regulations governing construction, equipment, sanitation, operation and maintenance of mobile home parks).

Very truly yours,

Ian J. Forrest
Ian J. Forrest, Acting Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRE/fth

May 3, 1979

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Court House
Towson, Maryland 21204

Item No. 10 - ZAC - Cycle V
Property Owner: Louise J. Mary DiPasquale
Location: SE/S Pulaski Hwy. 850' NE Mohr's Ln.
Existing Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M. with a Special Exception for a mobile trailer park.

Acres: 47.935
District: 15th

Dear Mr. Reiter:

The site with the existing zoning will generate approximately 4800 trips per day and the proposed special exception for a 244 unit mobile trailer park can be expected to generate approximately 2300 trips per day.

Any development of this site will require major improvements to Mohr's Lane.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Engineer Associate II

MSP/hmd
MSP/hmd

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 828-3908

October 20, 1976

RESIDENCE: 771-4592

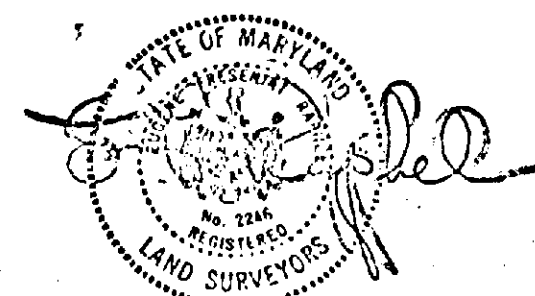
DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR TRAILER PARK
PULASKI HIGHWAY AND MOHR'S LANE
15TH ELECTION DISTRICT

Beginning, for the same on the southeast side of Pulaski Highway 150' wide northeasterly 850'± from the intersection formed by the southeast Right of Way line of Pulaski Highway and center line of Mohr's Lane, said point being also at the beginning of the last or N47°43'40"E 313.52' line of the land which by deed dated June 12, 1968 and recorded among the Land Records of Baltimore County in Liber OTG 4885, folio 309 was conveyed by John G. Kelbaugh and wife to J.G.K. Straw Corporation running thence and binding on the southeast Right of Way line of Pulaski Highway and on the last line in the aforesaid deed N40°51'20"E 313.52' thence leaving the southeast Right of Way line of Pulaski Highway and binding on the outline of the J.G.K. Straw Corporation the 22 following courses and distances: (1) S49°08'40"E 348.50'; (2) N40°58'50"E 143.88'; (3) S49°06'10"E 352.35'; (4) N27°07'50"E 116.34'; (5) S87°31'00"E 626.05' to the northwest Right of Way line of Susquehanna Transmission Company running thence and binding on the aforesaid northwest Right of Way line S29°23'20"W 662.31', thence crossing the Right of Way line of Susquehanna Transmission Company S65°36'30"E 150.57' to southeast Right of Way line of Susquehanna Transmission Company, running thence and binding on the aforesaid southeast Right of Way line N29°23'20"E 614.96' thence leaving the southeast Right of Way line of Susquehanna Transmission Company S20°04'10"W 211.36'; (10) S48°39'40"E 649.80';

-2-

(11) S41°19'40"W 942.08'; (12) N48°40'40"W 255.26'; (13) S18°59'40"W 356.92'; (14) N66°12'40"W 778.99'; (15) N28°12'20"E 266.50'; (16) N66°10'10"W 196.40'; (17) N21°56'10"E 40.28' to the northeast side of Mohr's Lane running thence and binding on the northeast side of Mohr's Lane N69°43'30"W 289.00', thence leaving the northeast side of Mohr's Lane N27°46'30"E 277.10'; (20) N67°22'50"W 117.02'; (21) N23°35'20"E 392.12' and (22) N49°21'30"W 34.56' to the place of beginning.

Containing 47.935 Acres of land more or less.
Being the land of Louis D. Pasquale, Jr. and wife.



E. F. Raphael
E. F. Raphael
Reg. Prof. Land Surveyor
No. 2246

PETITION FOR RECLASSIFICATION

15th District

ZONING: Petition for Reclassification from M.L.-I.M. to M.H.-I.M.
LOCATION: Southeast side of Pulaski Highway, 850 feet Northeast of Mohr's Lane
DATE & TIME: Tuesday, November 27, 1979 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M.

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Louis J. DiPasquale, et ux, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, November 27, 1979 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WALTER A. REITER, JR., CHAIRMAN
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
February 21, 1980

Michael P. Tanczyn, Esq.
501 York Rd.
Towson, Md. 21204

Re: Case No. R-90-72
Louis J. and Mary DiPasquale

Dear Mr. Tanczyn:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: Louis J. and Mary DiPasquale
Theodore J. Potthast, Jr., Esq.
John W. Hession, III, Esq.
William E. Hammond
James E. Dyer

ITEM NO. 10

PROPERTY OWNER: Louis Di Pasquale
LOCATION: S/E/S of Pulaski Highway, N/E/S of Mohr's Lane
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 5
RECOMMENDED DATE OF HEARING: Week of November 26, 1979
ACREAGE: 47.94
GEOGRAPHICAL GROUP: I
FUNCTIONAL CATEGORY: None

ZONING PRIOR TO ADOPTION OF 1976 COMPREHENSIVE ZONING MAP: M.L.-I.M.
EXISTING ZONING: M.L.-I.M.
REQUESTED ZONING: M.H.

PLANNING BOARD RECOMMENDATION: Retain Existing Zoning (M.L.-I.M.)

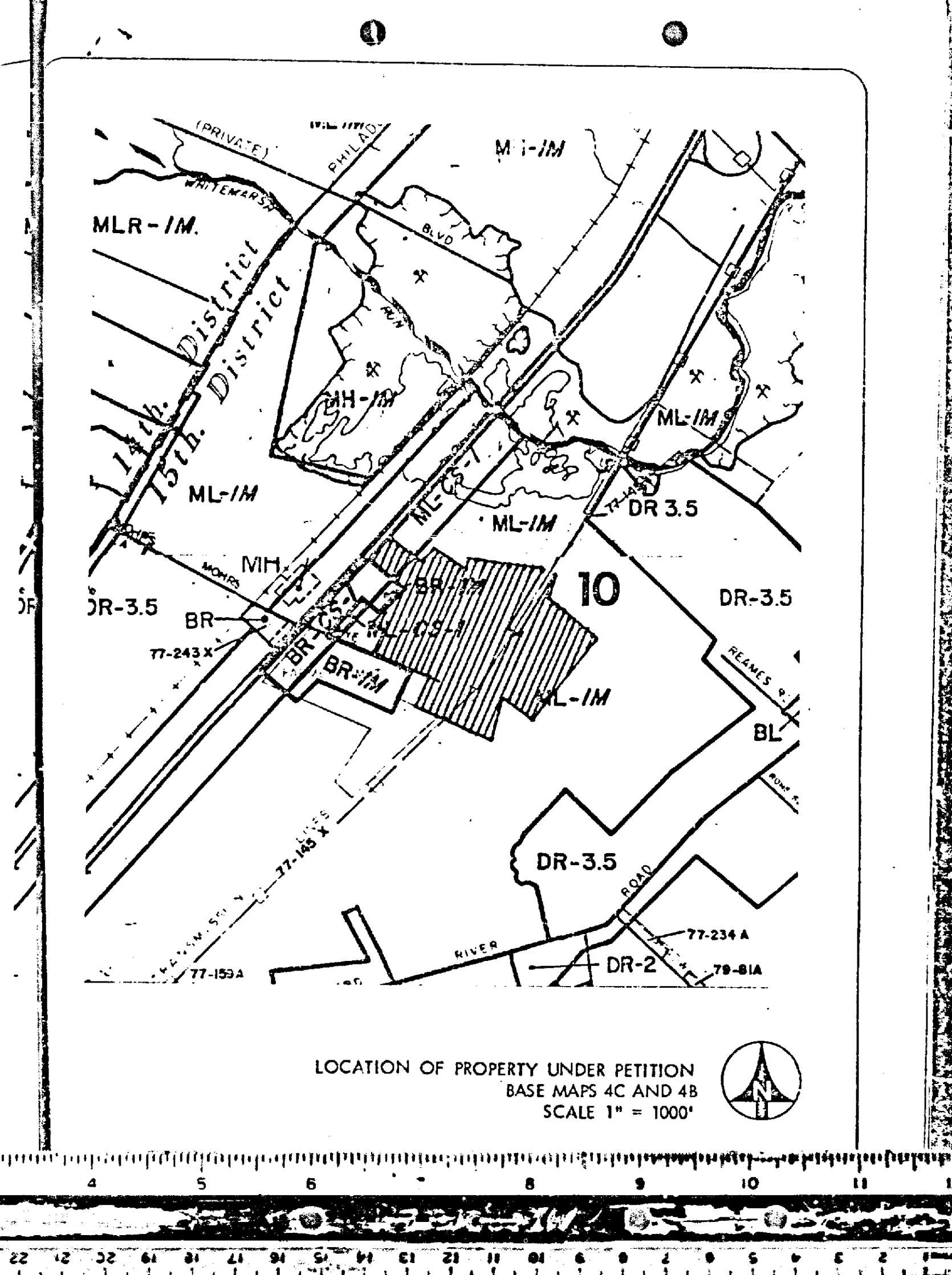
The subject property, having access to both Pulaski Highway and Mohr's Lane, contains several residential uses. Surrounding properties are zoned for commercial or light industrial use. The former's Market is located on the southwest corner of Pulaski Highway and Mohr's Lane; a motel, a retail outlet and several homes are located on the remaining adjacent properties. The petitioner is requesting a change from M.L.-I.M. to M.H. zoning and has chosen not to submit plans showing a specific use for the property under petition.

Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned M.L.-I.M. The preparation and processing of this map covered a period of more than two years, the process was widely publicized, and included numerous public hearings by both the Planning Board and the County Council. M.H. zoning was not requested nor was the aforementioned zoning opposed for the subject property during the entire process.

Initially, in addition to the requested zoning reclassification, the petitioner submitted a petition for a special exception for a mobile home park and included a site plan showing the proposed development. Then, the petitioner withdrew the special exception request and submitted a revised plan omitting any specific development detail. It should be noted that Zoning Advisory Committee representatives from the State Highway Administration, the Department of Traffic Engineering and the Health Department all commented upon the mobile home park proposal. Further, the petitioner did not submit a revised "Statement to Accompany Petition for Reclassification" proposal. This document is addressed to a proposed mobile home park. The Planning Board is of the opinion that such actions are inconsistent with the intent of the applicable provisions of County Council Bill No. 46-79; the Board has some questions as to the acceptability for hearing of the petition as filed. If it is appropriate to address comments to the request for M.H. zoning and the revised "open plan", the following comments are offered.

It is the Planning Board's opinion that the existing zoning is appropriate here and that the zoning map is correct. The Board believes that some of the uses permitted in an M.H. zone would adversely impact not only adjacent residential uses but, more importantly, would adversely impact adjacent commercial uses.

It is therefore recommended that the existing zoning, M.L.-I.M., be retained.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 11/16/79
Posted for: Petition for Reclassification
Petitioner: Louis J. DiPasquale et ux
Location of property: SE/S Pulaski Hwy. 850' NE of Mohr's Lane
Location of Signs: 2 signs at property facing Pulaski Hwy. @ Pulaski Hwy. on S.E. side of property
Remarks: None
Posted by: June Holmen Signature Date of return: 11/16/79

2 signs

Petition For
Reclassification
15th District
ZONING: Petition for Reclassification from M.L.-I.M. to M.H.-I.M.
LOCATION: Southeast side of Pulaski Highway, 850 feet Northeast of Mohr's Lane.
DATE & TIME: Tuesday, Nov. 27, 1979 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland. The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing.

Present Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M.
All that parcel of land in the Fifteenth District of Baltimore County

Beginning for the same on the southeast side of Pulaski Highway 150' wide north-easterly 850.4' from the intersection formed by the southeast Right of Way line of Pulaski Highway and center line of Mohr's Lane, said point being also at the beginning of the last of N47-43-40"E 313.52' line of the land which by deed dated June 12, 1968 and recorded among the Land Records of Baltimore County in Liber OTG 4885, folio 309 was conveyed by John G. Kelbaugh and wife to J.G.K. Straw Corporation running thence and binding on the southeast Right of Way line of Pulaski Highway and on the last line in the aforesaid doc. N40-51-20"E 313.52' thence leaving the southeast Right of Way line of Pulaski Highway and binding on the outline of the J.G.K. Straw Corporation the 22 following courses and distances: (1) S42-08-40"E 348.50'; (2) N40-58-50"E 143.88'; (3) S49-08-10"E 352.35'; (4) N27-07-50"E 116.34'; (5) S87-31-00"E 626.05' to the northwest Right of Way line of Susquehanna Transmission Company running thence and binding on the aforesaid northwest Right of Way line S29-23-20"W 662.31', thence crossing the Right of Way line of Susquehanna Transmission Company S65-36-30"E 150.57' to southeast Right of Way line of Susquehanna Transmission Company S20-04-10"W 211.36'; (10) S48-39-40"E 649.60'; (11) S41-19-40"W 945.08'; (12) N49-40-40"W 255.26'; (13) S18-59-40"W 356.92'; (14) N66-02-40"W 778.99'; (15) N28-12-20"E 266.50'; (16) N67-10-10"W 196.40'; (17) N21-56-10"E 40.28' to the northeast side of Mohr's Lane running thence and binding on the northeast side of Mohr's Lane N27-46-30"E 277.10'; (20) N67-22-50"W 117.02'; (21) N23-35-20"E 392.12' and (22) N49-21-30"W 348.56' to the place of beginning.

Being the property of Louis J. DiPasquale, et ux, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, November 27, 1979 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland.
BY ORDER OF
WALTER A. REITER, JR.,
CHAIRMAN
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

Nov. 23, 1979

THIS IS TO CERTIFY, that the annexed advertisement of Walter Reiter, Jr. Chairman, Balto. County Board of Appeals, via Sondra A. Jones Zoning Dept. was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week ~~for one time~~ ~~successive weeks~~ before the 9th day of November, 1979; that is to say, the same was inserted in the issues of November 8, 1979

Kimbel Publication, Inc.
Publisher.

By

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 85572

DATE January 8, 1980

ACCOUNT 01-662

AMOUNT \$371.83

RECEIVED FROM Michael P. Tanczyn, Esquire

FOR Advertising and Posting for Case No. R-80-72

8301508 8

371.83

VALIDATION OR SIGNATURE OF CASHIER



PETITION FOR
RECLASSIFICATION
14th DISTRICT

ZONING: Petition for Reclassification from M.L.-I.M. to M.H.-I.M.
LOCATION: Southeast side of Pulaski Highway, 850 feet Northeast of Mohr's Lane.
DATE & TIME: Tuesday, November 27, 1979 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing.

Present Zoning: M.L.-I.M.
Proposed Zoning: M.H.-I.M.
All that parcel of land in the 14th District of Baltimore County beginning for the same on the southeast side of Pulaski Highway 150' wide north-easterly 850.4' from the intersection formed by the southeast Right of Way line of Pulaski Highway and center line of Mohr's Lane, said point being also at the beginning of the last of N47-43-40"E 313.52' line of the land which by deed dated June 12, 1968 and recorded among the Land Records of Baltimore County in Liber OTG 4885, folio 309 was conveyed by John G. Kelbaugh and wife to J.G.K. Straw Corporation running thence and binding on the southeast Right of Way line of Pulaski Highway and on the last line in the aforesaid doc. N40-51-20"E 313.52' thence leaving the southeast Right of Way line of Pulaski Highway and binding on the outline of the J.G.K. Straw Corporation the 22 following courses and distances: (1) S42-08-40"E 348.50'; (2) N40-58-50"E 143.88'; (3) S49-08-10"E 352.35'; (4) N27-07-50"E 116.34'; (5) S87-31-00"E 626.05' to the northwest Right of Way line of Susquehanna Transmission Company running thence and binding on the aforesaid northwest Right of Way line S29-23-20"W 662.31', thence crossing the Right of Way line of Susquehanna Transmission Company S65-36-30"E 150.57' to southeast Right of Way line of Susquehanna Transmission Company S20-04-10"W 211.36'; (10) S48-39-40"E 649.60'; (11) S41-19-40"W 945.08'; (12) N49-40-40"W 255.26'; (13) S18-59-40"W 356.92'; (14) N66-02-40"W 778.99'; (15) N28-12-20"E 266.50'; (16) N67-10-10"W 196.40'; (17) N21-56-10"E 40.28' to the northeast side of Mohr's Lane running thence and binding on the northeast side of Mohr's Lane N27-46-30"E 277.10'; (20) N67-22-50"W 117.02'; (21) N23-35-20"E 392.12' and (22) N49-21-30"W 348.56' to the place of beginning.

Containing 47.936 Acres of land, more or less.

Being the property of Louis J. DiPasquale, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, November 27, 1979 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland.
BY ORDER OF
WALTER A. REITER, JR.,
CHAIRMAN
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 8, 1979

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ ~~for one time~~ ~~successive weeks~~ before the 27th day of November, 1979, the first publication appearing on the 8th day of November, 1979.

THE JEFFERSONIAN,

L. Frank Strick
Manager.

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 83247

DATE October 24, 1979

ACCOUNT 01-662

AMOUNT \$50.00

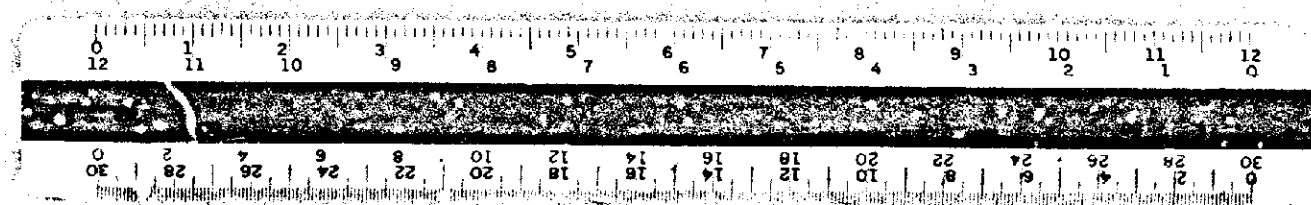
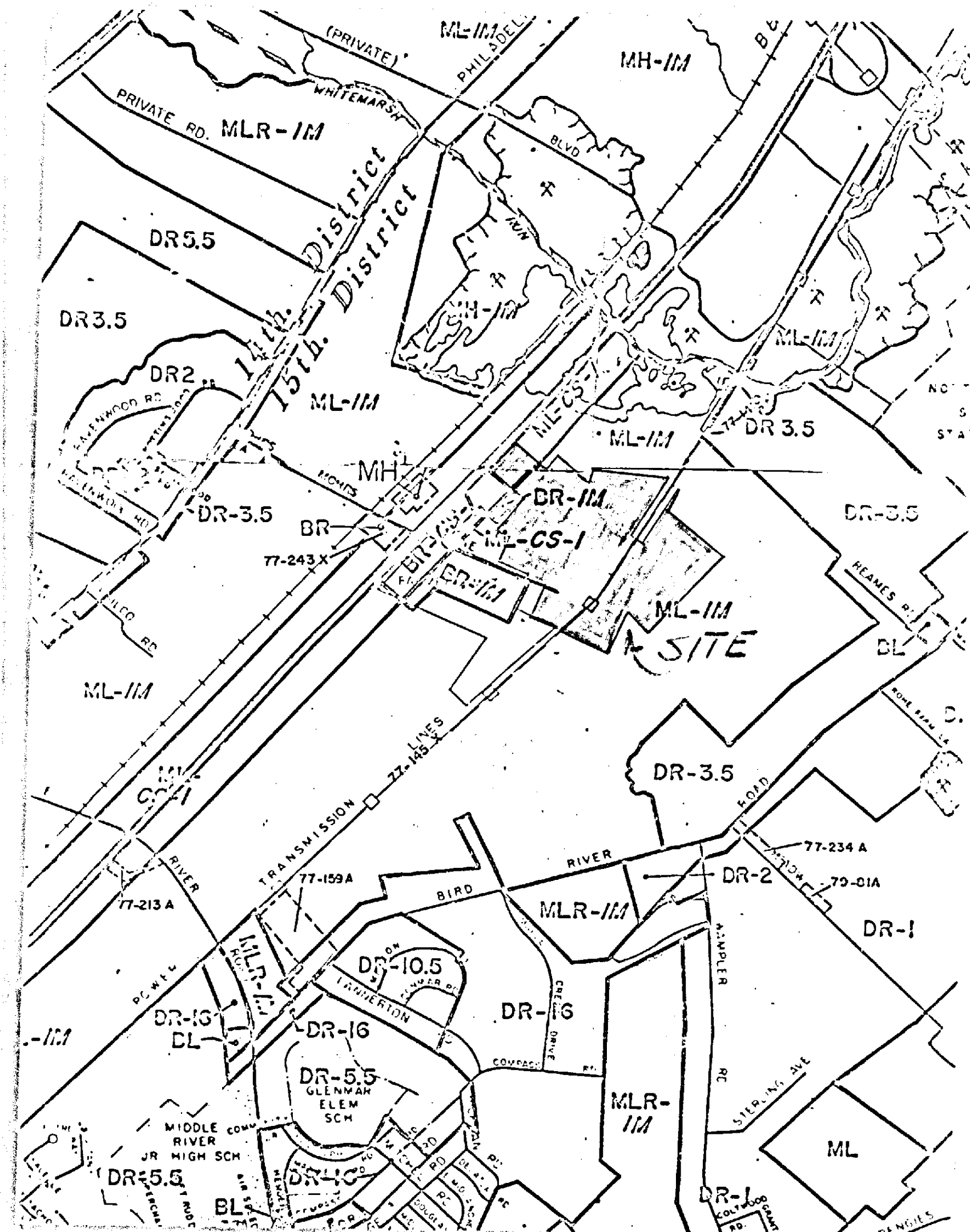
RECEIVED FROM Theodore J. Potthast, Jr., Esquire

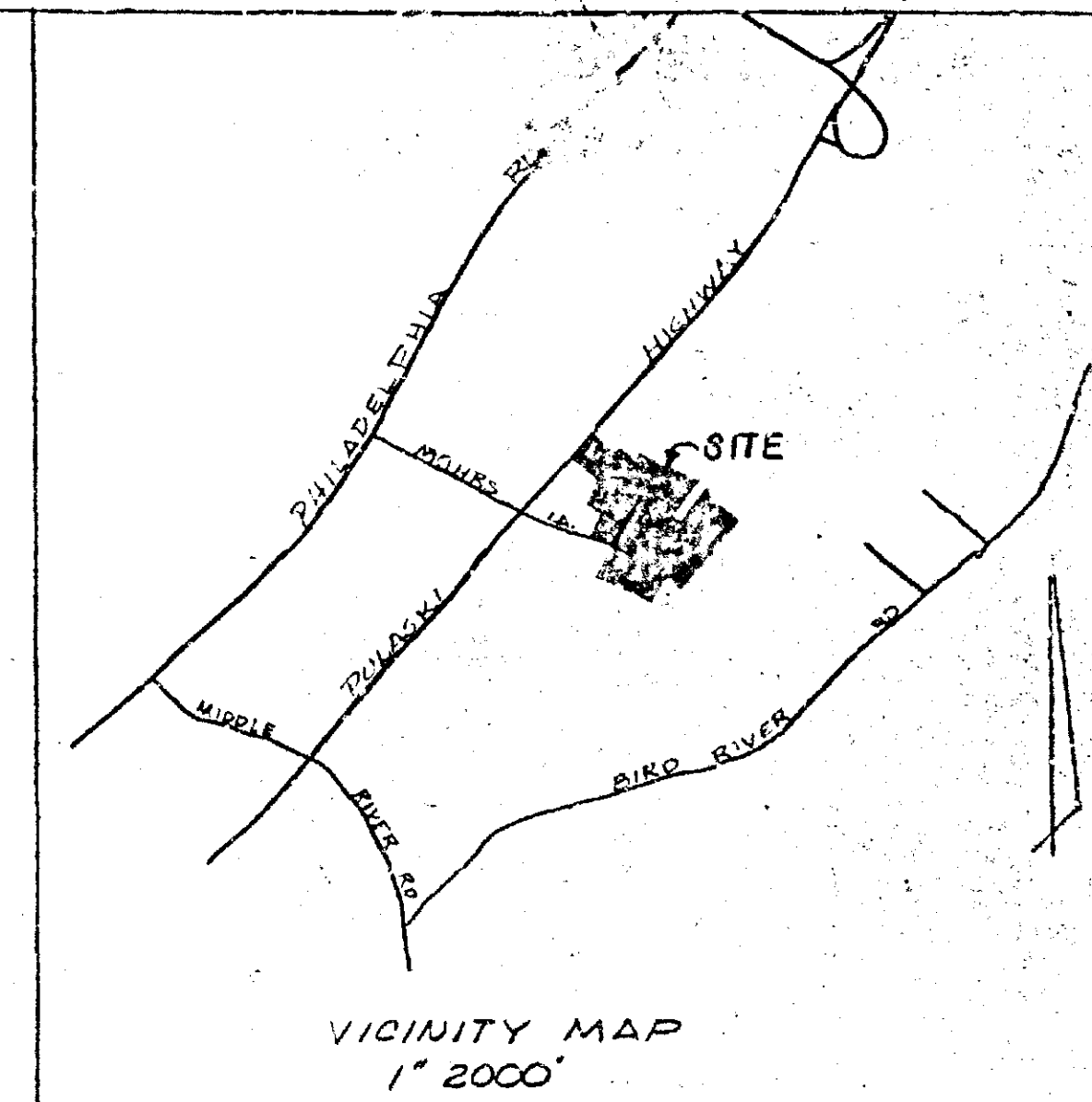
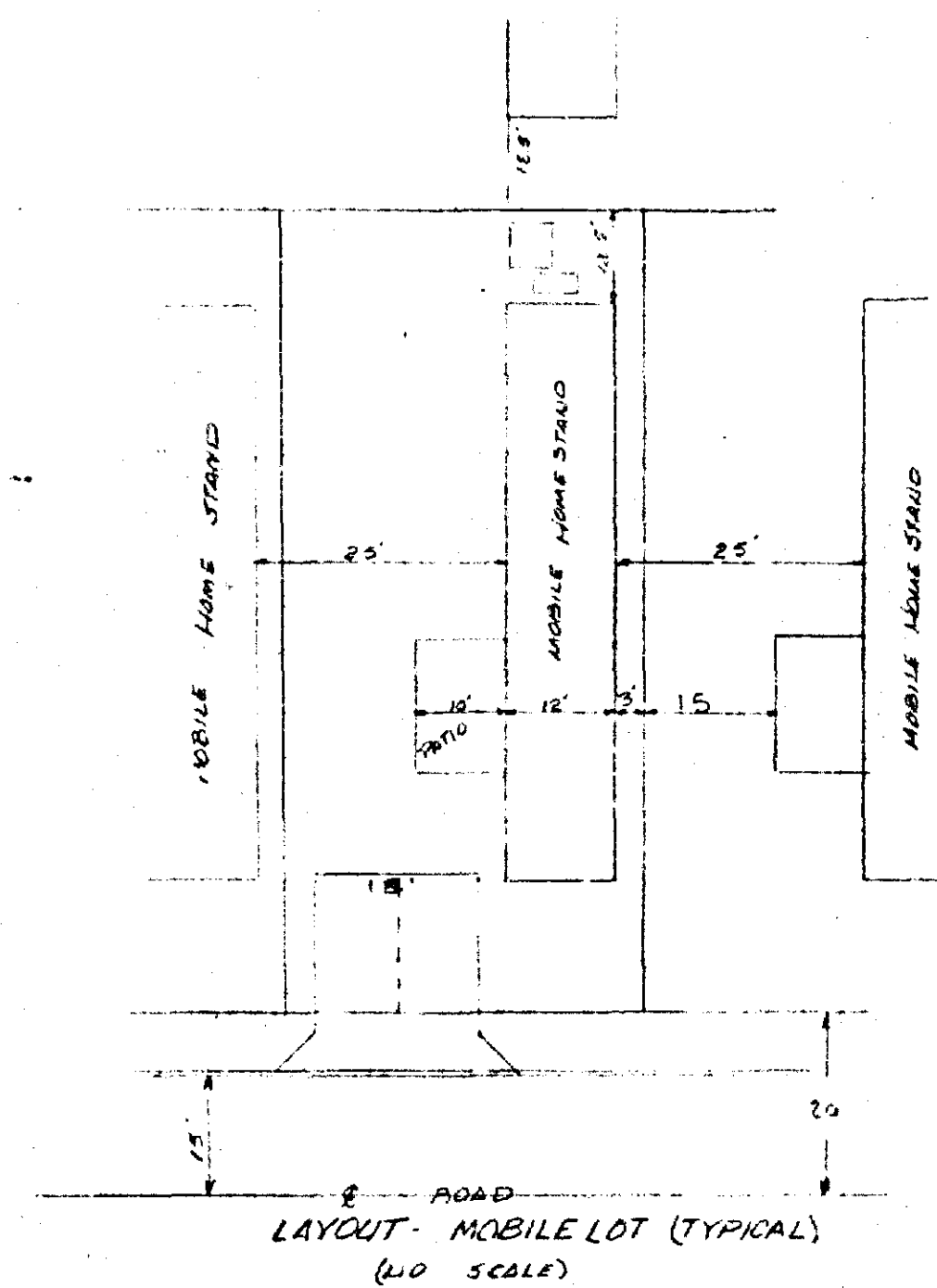
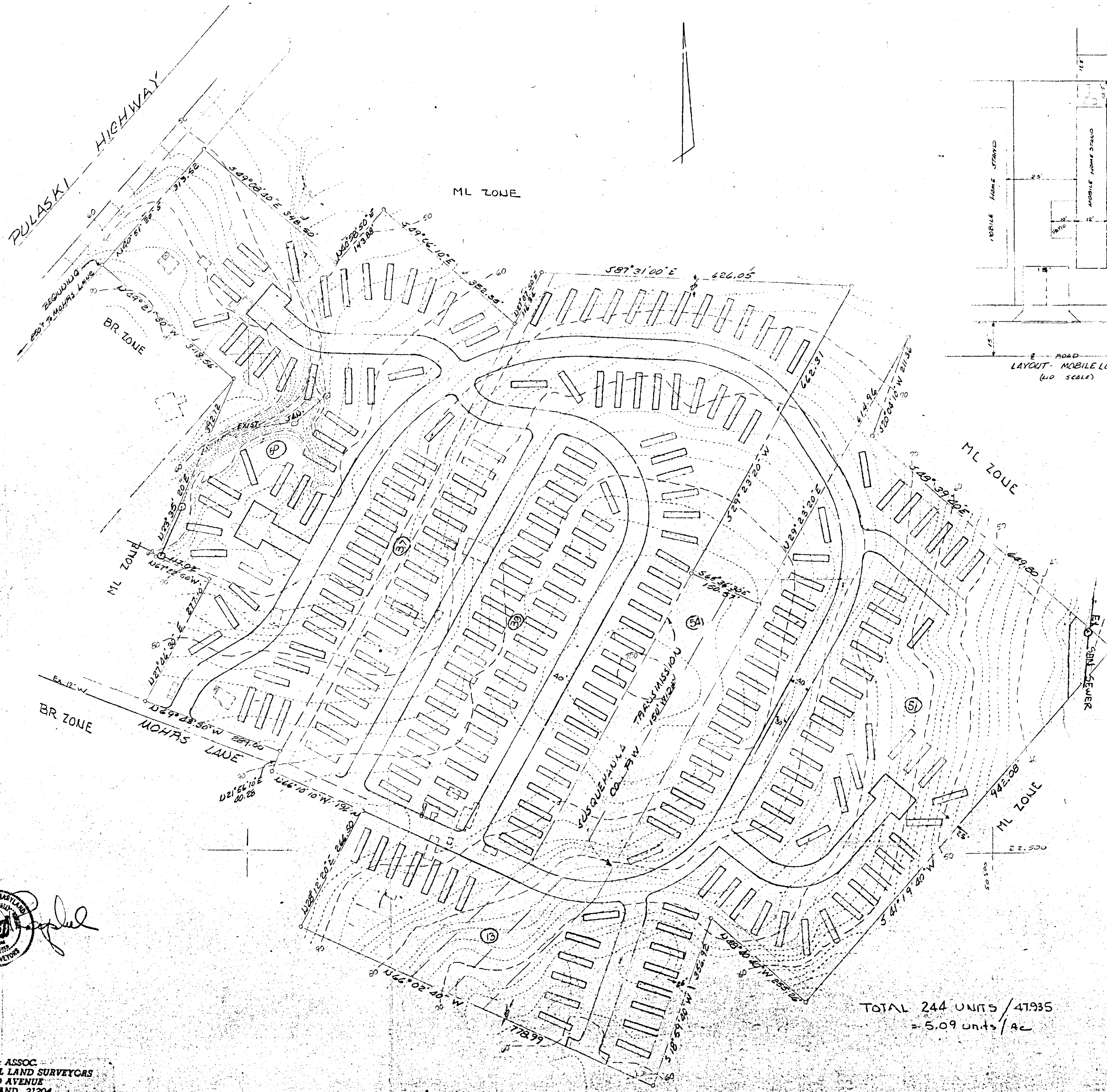
FOR Filing Fee for Case No. R-80-72

8333 25

50.00

VALIDATION OR SIGNATURE OF CASHIER





GENERAL DATA

AREA OF PROPERTY	47.935 AC
EXISTING ZONE	M.L. ZONE
EXISTING USE	VACANT
PROPOSED ZONE	ML/SR EXCEPTION
PROPOSED USE	MOBILE HOME PARK

SPECIAL EXCEPTION REQUESTED TO PERMIT MOBILE PARK IN M.L. ZONE

VARIANCE REQUESTED FROM SECTION 414.4
 (1) TO ALLOW MOBILE HOME UNITS TO BE 25' FROM ROAD INSTEAD OF THE REQUIRED 100'
 (2) TO ALLOW MOBILE HOME UNITS TO BE 25' FROM BOUNDARY LINE INSTEAD OF THE REQUIRED 75'

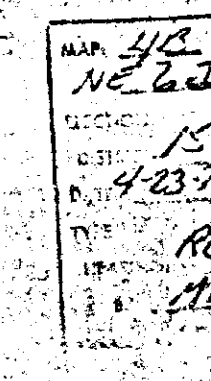
ALL INTERIOR ROADS TO BE 30' IN WIDTH
 ALL UNITS SERVED WITH PUBLIC SEWER & WATER

PLAT TO ACCOMPANY PETITION
 FOR SPECIAL EXCEPTION

MOHR'S LANE MOBILE VILLAGE

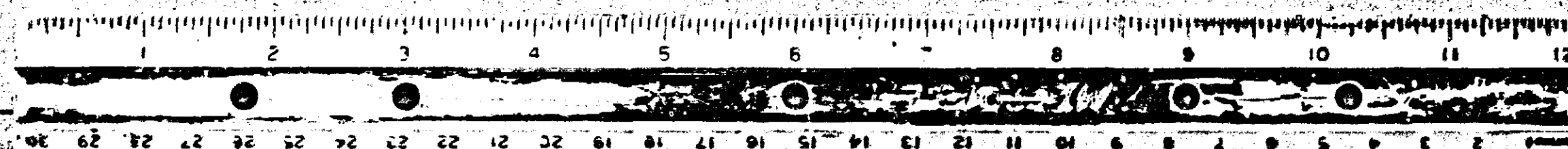
15TH ELECT. DIST.
 SCALE 1" = 100'

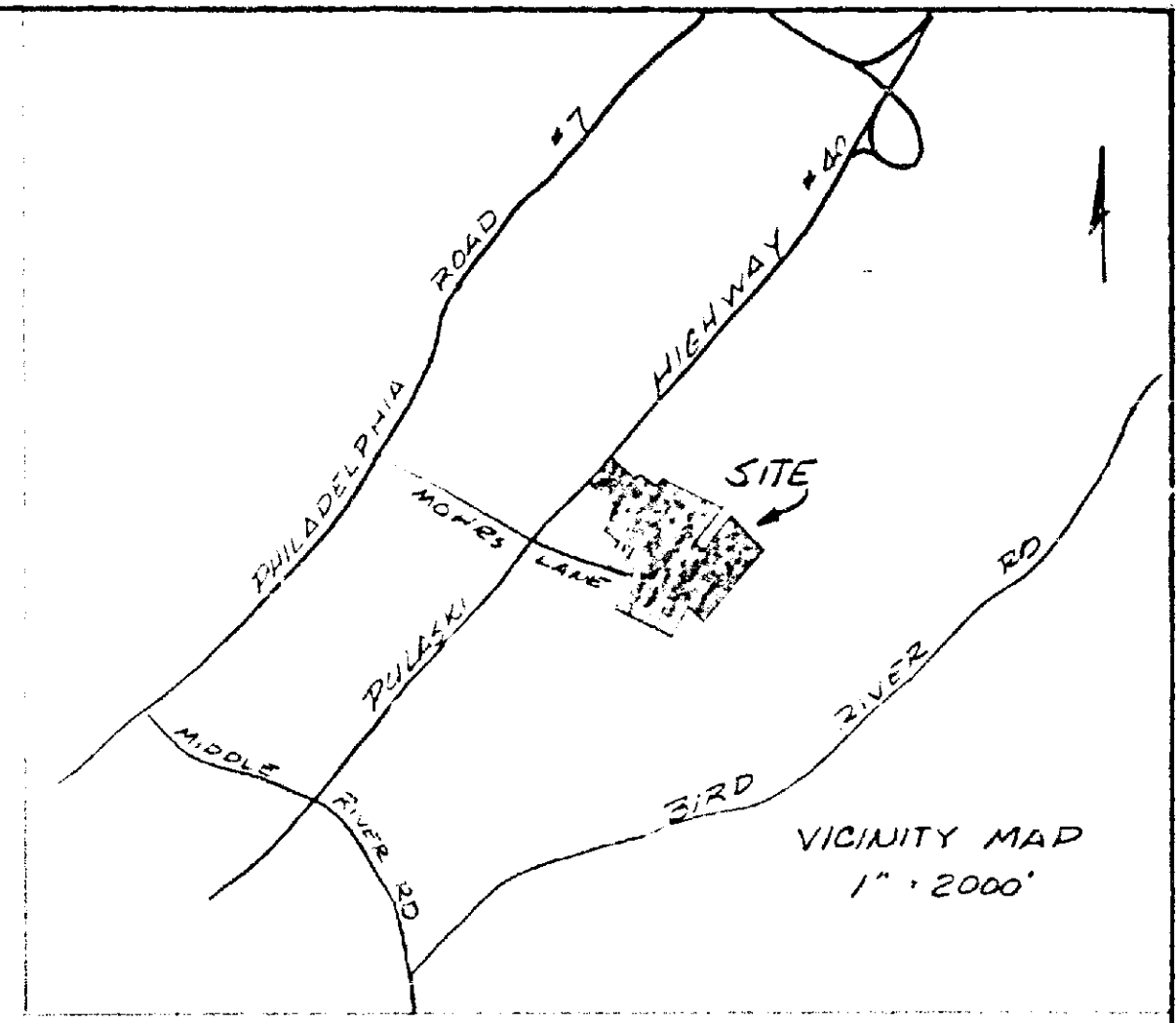
BALTO. CO.
 MARCH 15, 1979



E. F. RAPHAEL & ASSOC.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 201 COURTLAND AVENUE
 TOWSON, MARYLAND 21204

NOTE: OUTLINE SHOWN HEREON WAS PLOTTED FROM DEEDS, PLATS & OTHER SOURCES & IS NOT A SURVEY.





AREA OF PROPERTY 47.935 AC²
EXISTING ZONE ML-1M
PROPOSED ZONE MH

☐ Aged
☐ Recd
☐ Read
☐ Entd
☐ Chkd

OFFICE OF PLANNING & ZONING
 By: _____



